

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VOTORANTIM CIMENTOS LTDA,

Petitioner,

- against -

OXBOW CARBON AND MINERALS LLC,
SUCCESSOR IN INTEREST BY MERGER TO
APPLIED INDUSTRIAL MATERIALS
CORPORATION,

Respondent.

08 CV 02232 (LBS)

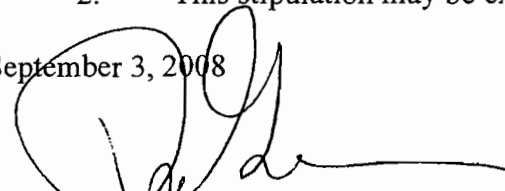
STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between undersigned
counsel that:

1. This action is dismissed with prejudice, without costs to any party.
2. This stipulation may be executed in counterparts.

Dated: September 3, 2008

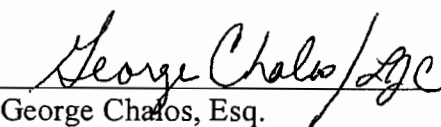
By:


Daniel B. Goldman, Esq.
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Attorneys for Respondent
OXBOW CARBON AND
MINERALS LLC

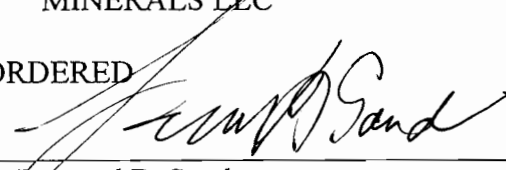
Dated: September 3, 2008

By:


George Chalos, Esq.
Chalos & Co., P.C.
123 South Street
Oyster Bay, NY 11771

Attorneys for Petitioner
VOTORANTIM CIMENTOS LTDA

SO ORDERED


Judge Leonard B. Sand
United States District Court Judge

9/4/08